REMARKS

Claims 1-41 are pending and under examination in the subject application. Applicants have herein canceled claims 1-41 and added new claims 42-69. New claims 42 and 43 correspond to pending claims 31 and 32, respectively. Support for new claim 44 can be found in the specification at, *inter alia*, page 29, lines 23-25. Support for new claim 45 can be found in the specification at, *inter alia*, page 29, lines 16-20. Support for new claim 46 can be found in the specification at, *inter alia*, page 27, line 12-20. New claims 47-54 correspond to pending claims 33 and 8-14, respectively. New claims 55-58 correspond to pending claims 2-5, respectively. New claims 59-61 correspond to pending claims 28-30, respectively. New claims 62 and 63 correspond to pending claim 31. Support for new claim 64 can be found in the specification at, *inter alia*, page 41, line 1. Support for new claim 65 can be found in the specification at, *inter alia*, page 41, line 2. Support for new claims 66 and 67 can be found in the specification at, *inter alia*, page 41, line 7. Support for new claim 68 can be found in the specification at, *inter alia*, page 41, line 5. Support for new claim 69 can be found in the specification at, *inter alia*, page 41, lines 13, 14 and 19. Applicants maintain that the addition of new claims 42-69 raise no issue of new matter. Accordingly, upon entry of this Amendment, claims 42-69 will be pending and under examination in the subject application.

Restriction Requirement

In the August 29, 2005 Office Action, the Examiner restricted pending claims 1-41 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

I. Claims 1-30 and 41, drawn to a method of inhibiting the binding of a β-sheet fibril to RAGE on the surface of a cell which comprises contacting the cell with a binding inhibiting amount of a compound capable of inhibiting binding of the β-sheet fibril to RAGE;

II. Claims 31-33, drawn to a method of preventing and/or treating a disease involving β-sheet fibril formation other than Alzheimer's disease in a subject;

III. Claims 34-36, drawn to a compound not previously known to inhibit binding of β-sheet fibril to RAGE, a method of determining whether a compound inhibits binding of a β-sheet fibril to RAGE on the surface of the cell which comprises: (i) immobilizing the β-sheet fibril on a solid matrix, (ii) preparing a composition which comprises determining whether a compound inhibits binding of β-sheet fibril to RAGE by the method of claim 34, and (iii) admixing the compound with a carrier;

IV. Claims 37, 38, and 40, drawn to a method of determining whether a compound inhibits binding of β-sheet fibril to RAGE on the surface of a cell which comprises: (i) contacting RAGE-transfected cells with the compound being tested under conditions permitting the binding of the compound to RAGE; and

V. Claim 39, drawn to a compound not previously known to inhibit binding of β-sheet fibril to RAGE determined to do so by the method of claim 37.

In addition, the Examiner alleged that the claims of Group I are directed to more than one species of generic invention, and election of Group I would require the election of a single disclosed species for prosecution with respect to several categories of species.

In response, applicants hereby elect with traverse the invention identified by the Examiner as Group II, claims 31-33. Consistent with this election, applicants have canceled claims 1-41 without disclaimer or prejudice and added new claims 42-69 for prosecution at this time. Applicants maintain that new claims 42-69 are directed to subject matter provided by the claims of Group II and request that these claims be examined as a single group.

However, applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the Examiner must examine the application on the merits if examination can be made without serious burden, even if the application would include claims to distinct or independent inventions. That is, there are two criteria for a proper requirement for restriction: (1) the invention must be independent and distinct, and (2) there must be a serious burden on the Examiner if restriction were not required.

Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction were not required, because a search of the prior art relevant to the claims of Group II would provide the relevant prior art for Groups I and III-V. Since there is no burden on the Examiner to examine Groups I-V together in the same application, the Examiner must examine the entire application on the merits.

In view of the foregoing, applicants maintain that restriction is not proper under 35 U.S.C. §121, and respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Alan J. Morrison — Date
Reg. No. 37,399